

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

MARGARET P. RUSSELL,)
)
)
Plaintiff,)
)
)
v.) No. 1:05-cv-250
) *District Judge Edgar*
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff brings this action pursuant to 42 U.S.C. §§ 405(g) seeking judicial review of the final administrative decision of the Commissioner of Social Security denying her a period of disability and disability insurance benefits under the Social Security Act, 42 U.S.C. §§ 416(i) and 423.

This case was referred to United States Magistrate Judge William B. Mitchell Carter pursuant to 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. Magistrate Judge Carter submitted his report and recommendation on December 1, 2006. [Doc. No. 15]. The parties have not timely filed any objections.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). Accordingly, the plaintiff's motion for judgment on the pleadings [Doc. No. 11] is **DENIED**. The defendant's motion

for summary judgment [Doc. No. 13] is **GRANTED** pursuant to Fed. R. Civ. P. 56. The administrative decision of the Commissioner of Social Security shall be **AFFIRMED**, and the plaintiff's complaint shall be **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action.

The Clerk of Court is **DIRECTED** to enter a separate final judgment in accordance with this memorandum opinion and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 13th day of December, 2006.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE